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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,544	06/05/2000	John B. Bibb	00-318	9972

7590

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EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 04/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,544

Applicant(s)

BIBB ET AL.

Examiner

Christopher Bottorff

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Acknowledgements

1. The request for reconsideration filed February 13, 2002 has been considered.

Claim Objections

2. The claims are objected to because of the following informalities:
 - a. In claim 5, line 2, the term "wherein" is inappropriate and should be changed to "including."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips in view of Frase.

Phillips teaches a work machine comprising front and rear end portions, a control panel located in the interior of the machine, a pair of stabilizer legs (32,33) connected to the rear end portion, hydraulic cylinders (52,53) associated with each stabilizer in order to extend and retract them, a main valve (62,63) connectable (applicant should note the term connectable only requires that the main valve is capable of being connected to)

Art Unit: 3618

with each of the hydraulic cylinders for controlling the movement of the stabilizer legs, a pair of pilot valves (62a,62b,63a,63b) in connection with each of the main valves, a pair of control levers (switches, 75,77) in connection with a respective pair of pilot valves for actuation thereof.

Phillips does not specifically teach using control levers that are normally biased to a neutral position, have a first position for extending the respective stabilizer leg while the lever is manually held in the first position, a second position for retracting the respective stabilizer leg while the lever is manually held in the second position, and a retaining means for automatically retaining the lever in a third position for a predetermined period of time in order to retract the respective stabilizer leg to its fully retracted position.

Frase teaches that it is conventional to use a hydraulic control lever (144) that is normally biased to a neutral or hold position (152), has a first position (154) for extending (raising) a hydraulic cylinder while the lever is manually held in the first position, a second position (156) for retracting (lowering) a hydraulic cylinder while the lever is manually held in the second position. Further, Frase discloses a relay (194) and timer (194-2) connected to the control valve and operable therewith.

This type of control valve is conventional in the art of hydraulic control systems. The examiner takes official notice that, in this sort of control valve the control lever may be moved partially into the first or second positions, causing the slow or gradual actuation of the hydraulic cylinder. Alternatively the control lever may be moved completely into the first or second position, at which time the lever will be retained in

Art Unit: 3618

said first or second position until the cylinder reaches a fully extended or retracted position at which time the increase in pressure will cause the lever to be returned to the neutral position. Manual operation of the control lever to partially engaged position from the completely engaged position will disengage the automatic retraction or extension of the hydraulic cylinder and return the control to manual operation. Further this type of control valve may have some sort of detent mechanism for retaining the valve in the completely actuated position. In the Frase application the hydraulic control valve would allow the operator to lower the rakes manually by moving the control lever toward the second (lowering) position. When the operator wishes to raise the rakes, he would simply move the control lever to the first (raising) position. If he wishes to completely raise the rakes, he simply moves the control lever completely to the first position, where the lever is retained by the detent means until the rakes are completely raised. Additionally, multiple cylinders (both sides of the rakes) are often actuated by a single control lever. A typical valve of this type is the GRESEN 400 series hydraulic valve with optional three position detent mechanism.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a control lever of the type disclosed by Frase, on the work vehicle of Phillips, because it would allow the user to fully retract the member without having to manually hold the switch in the retract position.

Regarding claim 6, Phillips and Frase do not teach a spool valve connected between the pair of pilot valves and the hydraulic cylinder, however Phillips does disclose lockout valves (82,83) in this location that perform the same general function. It

Art Unit: 3618

would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide spool valves instead of the lockout valves disclosed by Phillips, because the spool valves could be actively controlled by the vehicle or operator.

Regarding claim 15, systems that activate an alarm signal of some sort in response the operator attempting to move a vehicle while a stabilizer leg is still partially retracted are old and well known in the art and would be an obvious improvement. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide an alarm in response to an attempt to move the vehicle by the operator placing the vehicle in a forward or reverse gear, because it would be a safety feature and would prevent the operator from damaging the stabilizer legs and nearby objects.

The method of using the claimed apparatus would be an obvious method of using the apparatus set forth above.

Response to Arguments

5. Applicant's arguments filed February 13, 2002 have been fully considered but they are not persuasive.

On pages 3 and 4 of the remarks, Applicants assert that Frase et al. does not teach or suggest all of the limitations of the independent claims, such that the combined system of Phillips and Frase et al. has control levers capable of moving in a manner that achieves positioning of the stabilizer leg between the fully extended and fully retracted

Art Unit: 3618

positions and that the control lever is able to be retained in the auto-retract position to automatically retract the stabilizer leg. However, the examiner respectfully disagrees.

The control levers of the combined system can be moved into operative positions, thereby enabling the stabilizer leg to move within a predetermined range. When desired by the operator, a lever can be returned to the neutral position, which will cause the stabilizer leg to stop at a position within the predetermined range. Since the operator can move the lever from an operative position to the neutral position a plurality of times, the stabilizer leg can be stopped in a plurality of positions. Such an operation is consistent with the scope of the claims and is an inherent capability of the combined system cited in the rejection.

Moreover, such an operation is consistent with the system of Frase et al. because the ability to stop the toolbar in a plurality of positions is necessary to accommodate varying terrain. That is, not all terrain will allow the toolbar to be lowered to the systems fully lowered position. The "lowered position" referred to in Frase et al. does not imply that there is only one position at which the toolbar will stop, but rather that the toolbar can be stopped in a plurality of positions as needed.

In addition, the ability to retain a control lever in an "auto-retract" position is taught, or at least suggested, by Frase et al. Note column 12, lines 35-64, and in particular lines 56-62. This feature allows the lift control cycle to proceed, without the interaction of the operator, to completely elevate the tool.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

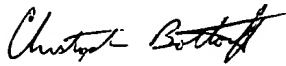
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huffman.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Art Unit: 3618

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Christopher Bottorff
April 26, 2002



BRIAN L. JOHNSON
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 3600 4/26/02